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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,395	06/19/2001	Roger Wong	PAT 477-2	1321
26123	7590	09/27/2005	EXAMINER	
BORDEN LADNER GERVAIS LLP WORLD EXCHANGE PLAZA 100 QUEEN STREET SUITE 1100 OTTAWA, ON K1P 1J9 CANADA			MILLS, DONALD L	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/883,395

Applicant(s)

WONG ET AL.

Examiner

Donald L. Mills

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: VoIP Software Session Controller.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1-16 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 2, and 21, the claims specify *voice communications over the Internet between a local or remote phone* (For example, see claim 1, lines 1-2.) However, the claim goes to specify *connection to the local and remote phone* (For example, see claim 1, lines 3-4.) It is unclear from the context of the claim whether the systems comprises both a local and remote phone, or simply one phone in connection with a destination phone. Further clarification and explanation is requested.

Regarding claims 3, 10, and 21, the claims specify *wherein the destination phone is any one of a local or remote phone* (For example, see claim 3, lines 1-2.) It is unclear from the context of the claim how the local or remote phone can be both the source and the destination.

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Further clarification and explanation is requested. For the purpose of this examination, the Examiner will interpret the destination phone as a separate and distinct from the source phone.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pickett (US 6,154,465) in view of Dunn et al. (US 6,836,476 B1), hereinafter referred to as Dunn.

Regarding claims 1, 17, 18, and 21, Pickett discloses systems and methods for multiple mode voice and data communication for bridged TDM and Packet buses, which comprises:

*An Internet Protocol (IP) phone controller for operative connection to the local and remote and a computer operatively connected to the internet* (Referring to Figures 3 and 4, VoIP gatekeeper 25, which is connected to the Internet, provides service and control for voice over Internet Protocol ("VoIP") communications, thereby, managing and controlling the communications session, inherently managing connections between a source and destination telephones 12 with computers 24. See column 2, lines 20-27 and column 11, lines 27-31.)

Pickett does not disclose *the computer having communications software for managing voice over Internet protocol communications between the local and remote phone and a destination phone through the phone controller.*

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Dunn teaches a telecommunications system in which a subscriber utilizes a computer to place a VoIP call (See Figure 2, column 2, lines 33-49.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the VoIP calling system of Dunn in the system of Pickett. One of ordinary skill in the art would have been motivated to do so at the time of the invention in order to provide users with an efficient way of initiating local calls as stated by Dunn (See column 2, lines 7-8.) Additionally, VoIP call automation via software is an obvious invention to one of ordinary skill at the time of the invention since automating a known process (VoIP call initiation and termination as shown in the cited prior art) is a clearly a re-iteration of previous manual technology.

Regarding claim 2, and further regarding claim 21, the primary reference further teaches *wherein the remote phone is connected to the IP phone controller by a wired or wireless link* (Referring to Figures 3 and 4, telephone 12 connected to VoIP gatekeeper 25. See column 13, lines 1-11.)

Regarding claims 3 and 10, and further regarding claim 21, the primary reference further teaches *wherein the destination phone is any one of a local or remote phone operatively connected to a destination IP phone controller and destination computer operatively connected to the internet* (Referring to Figures 3 and 4, VoIP gatekeeper 25, which is connected to the Internet, provides service and control for voice over Internet Protocol ("VoIP") communications, thereby, managing and controlling the communications session, inherently managing connections between a source and destination telephones 12 with computers 24. See column 2, lines 20-27 and column 11, lines 27-31.)

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Regarding claims 4 and 11, and further regarding claims 17, 18, and 21, as stated above in the rejection of the parent claim, Pickett and Dunn teach all of the claim limitations of the parent claim.

Pickett does not teach *wherein the communications software includes a menu system for selecting an Internet phone provider.*

Dunn teaches an end-user connecting globally with their Internet capable, VoIP-capable computer 106 and modem 104 to their ISP 114, such as America Online (menu system for selecting Internet provider) (See Figure 1, column 4, lines 52-55.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the VoIP calling system of Dunn in the system of Pickett. One of ordinary skill in the art would have been motivated to do so at the time of the invention in order to provide users with an efficient way of initiating local calls as stated by Dunn (See column 2, lines 7-8.)

Regarding claims 5 and 12, and further regarding claims 17, 18, and 21, the primary reference further teaches *wherein the user dials a destination number after selection of an Internet phone provider* (Referring to Figures 3 and 4, users utilizes the directory 27, which includes names and telephone extensions to place calls. See column 11, lines 34-36.)

Regarding claims 6 and 13 as stated above in the rejection of the parent claim, Pickett and Dunn teach all of the claim limitations of the parent claim.

Pickett does not teach *wherein the communications software enables accessing Internet data.*

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Dunn teaches an end-user connecting globally with their Internet capable, VoIP-capable computer **106** and modem **104** to their ISP **114**, such as America Online (placing an VoIP call is Internet Data) (See Figure 1, column 4, lines 52-55.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the VoIP calling system of Dunn in the system of Pickett. One of ordinary skill in the art would have been motivated to do so at the time of the invention in order to provide users with an efficient way of initiating local calls as stated by Dunn (See column 2, lines 7-8.)

Regarding claims 7, 14, 19, and 20, and further regarding claim 21, as stated above in the rejection of the parent claim, Pickett and Dunn teach all of the claim limitations of the parent claim.

Pickett does not teach *wherein the communications software includes a menu system for accessing Internet data and the communications software enables formatting of the data for delivery of the data to the user.*

Dunn teaches an end-user connecting globally with their Internet capable, VoIP-capable computer **106** and modem **104** to their ISP **114**, such as America Online (placing an VoIP call is Internet Data) (See Figure 1, column 4, lines 52-55.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the VoIP calling system of Dunn in the system of Pickett. One of ordinary skill in the art would have been motivated to do so at the time of the invention in order to provide users with an efficient way of initiating local calls as stated by Dunn (See column 2, lines 7-8.)

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Regarding claims 8 and 15, and further regarding claim 21, as stated above in the rejection of the parent claim, Pickett and Dunn teach all of the claim limitations of the parent claim.

Pickett does not teach *wherein the communications software enables delivery of the data to the user via a text-to-speech module.*

Dunn teaches an end-user connecting globally with their Internet capable, VoIP-capable computer 106 and modem 104 to their ISP 114, such as America Online (placing an VoIP call is data that is converted to voice) (See Figure 1, column 4, lines 52-55.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the VoIP calling system of Dunn in the system of Pickett. One of ordinary skill in the art would have been motivated to do so at the time of the invention in order to provide users with an efficient way of initiating local calls as stated by Dunn (See column 2, lines 7-8.)

Regarding claims 9 and 16 as stated above in the rejection of the parent claim, Pickett and Dunn teach all of the claim limitations of the parent claim.

Pickett does not teach *wherein the Internet data is email.*

However, Pickett does teach sending email service via an email server (See column 2, lines 26-27.) And, Dunn teaches an end-user connecting globally with their Internet capable, VoIP-capable computer 106 and modem 104 to their ISP 114, such as America Online (utilizing computer software) (See Figure 1, column 4, lines 52-55.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the VoIP calling system of Dunn in the system of Pickett. One of ordinary skill in



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the art would have been motivated to do so at the time of the invention in order to provide users with an efficient way of initiating local calls as stated by Dunn (See column 2, lines 7-8.)

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L. Mills whose telephone number is 571-272-3094. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Donald L Mills



September 24, 2005



JOHN PEZZLO  
PRIMARY EXAMINER